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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12
13 v.
14 KIRK ORMAND DAVIS,
15 Defendant.

Case No. 2:12-cr-00373-GMN-VCF
2:13-cr-00055-GMN-VCF

**STIPULATION TO CONTINUE
REVOCATION HEARING
(Second Request)**

16 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
17 United States Attorney, and Daniel J. Cowhig, Assistant United States Attorney, counsel for
18 the United States of America, and Rene L. Valladares, Federal Public Defender, and Navid
19 Afshar, Assistant Federal Public Defender, counsel for Kirk Ormand Davis, that the Status
20 Hearing currently scheduled on March 24, 2023, be vacated and continued to a date and time
21 convenient to the Court, but no sooner than sixty (60) days.
22

23 This Stipulation is entered into for the following reasons:

- 24 1. Mr. Davis is in state custody in Nye County, Nevada, in a criminal matter.
25 2. On October 28, 2022, Mr. Davis appeared in custody before Magistrate Judge
Daniel J. Albregts on revocation petitions in the above captioned matters. The court continued
26 the initial appearance to November 1, 2022. *Id.* On November 1, 2022, the court ordered an

1 examination under 18 U.S.C. §§ 4241 and 4247 to determine Mr. Davis' competency to undergo
2 post-release proceedings. On March 6, 2023, after completion of the court-ordered evaluation,
3 Mr. Davis appeared again before Judge Albregts for the continued initial appearance. Based
4 largely upon the evaluation, which noted that Mr. Davis had been medicated to competency
5 during the intervening period, the court ordered Mr. Davis released on conditions.

6 3. Unknown to the parties or the U.S. Probation Office, Nye County had initiated
7 a criminal action under seal. Released in the above captioned matters, Mr. Davis was transferred
8 to state custody and made his initial appearance in the state matters on March 7, 2023. State
9 authorities erroneously reported to the USPO that Mr. Davis had been released at the initial
10 appearance.

11 4. On March 14, 2023, counsel for Mr. Davis, the USAO and the probation officer
12 appeared before this Court. Because a hearing was scheduled in the Nye County matters on
13 March 21, 2023, the parties requested that the Court set a status hearing on March 24, 2023.

14 5. March 21, 2023, Mr. Davis was bound over to state district court on a conditional
15 waiver to allow counsel in that matter to request a competency examination.

16 6. The defendant remains in state custody and agrees with the need for the
17 continuance.

18 7. The second request for a continuance of the revocation hearing.

19 DATED this 22nd day of March, 2023.

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21 RENE L. VALLADARES
Federal Public Defender

JASON M. FRIERSON
United States Attorney

22
23 By /s/ Navid Afshar
NAVID AFSHAR
Assistant Federal Public Defender

By /s/ Daniel J. Cowhig
DANIEL J. COWHIG
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
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ORDER

KIRK ORMAND DAVIS,
Defendant.

Based upon the record in this case and the stipulation of the parties and good cause appearing therefore,

IT IS ORDERED that the revocation hearing currently scheduled for March 24, 2023 at 9:00 a.m., be vacated and continued to May 30, 2023 at the hour of 9:00 a.m.; or to a time and date convenient to the court.

IT IS SO ORDERED this 22 day of March, 2023.

UNITED STATES DISTRICT JUDGE